

**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/412,100 10/04/99 WEI

Z 218297 (EBC-0

0212/1028

MICHAEL L. GOLDMAN  
NIXON PEABODY LLP  
CLINTON SQUARE  
P O BOX 1051  
ROCHESTER NY 14603

NOT ASSIGNED

DATE MAILED: 1646

10/28/99

### NOTICE TO FILE MISSING PARTS OF APPLICATION

#### Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16( ) ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☐ small entity (statement filed) ☒ non-small entity is \$ 130.00

☐ 1. The statutory basic filing fee is:

- ☐ missing.  
☒ insufficient.

Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. The following additional claims fees are due:

\$ \_\_\_\_\_ for \_\_\_\_\_ total claims over 20.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.  
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)). <sup>8</sup>

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k) unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☒ 9. OTHER: VERIFIED SMALL ENTITY STATEMENT REQUIRED

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice **MUST** be returned with the reply.

DATE 000018 09412100 65.00 08



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SECTOR  
#3

Applicants : Wei et al.

Serial No. : 09/412,100

Filed : October 4, 1999

For : HYPERSENSITIVE RESPONSE ELICITOR FRAGMENTS WHICH ARE  
ACTIVE BUT DO NOT ELICIT A HYPERSENSITIVE RESPONSE

TRANSMITTAL LETTER

Assistant Commissioner For Patents  
Washington, D.C. 20231  
**Box: Missing Parts**

Dear Sir:

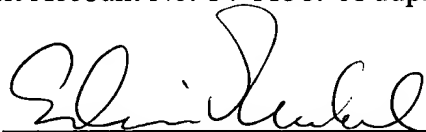
In response to the Notice to File Missing Parts of Application Under 37 CFR 1.53(d), which was mailed by the United States Patent and Trademark Office on **October 28, 1999**, enclosed are:

- ☒ A Combined Declaration and Power of Attorney.
- ☒ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27.
- ☒ A Request for Corrected Filing Receipt and Copy of Official Filing Receipt.
- ☒ A copy of the Notice to File Missing Parts.
- ☒ A self-addressed, prepaid postcard for acknowledging receipt.
- ☒ Fees as calculated below:

FEE FOR (ONE, TWO OR THREE)-MONTH EXTENSION OF TIME	\$
SURCHARGE 37 CFR 1.16(e)	\$65.00
ADDITIONAL FEES	\$
TOTAL FEES SUBMITTED HERewith	\$65.00

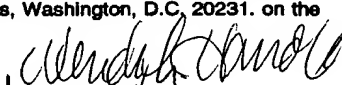
- ☒ A check in the amount of **\$65.00** to cover the above fees.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 14-1138. A duplicate copy of this sheet is enclosed.

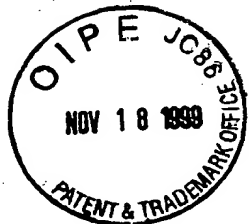
Date: November 15, 1999

  
Edwin V. Merkel  
Registration No. 40,087

Nixon Peabody LLP  
Clinton Square, P.O. Box 1051  
Rochester, New York 14603  
Telephone: (716) 263-1128  
Facsimile: (716) 263-1600

R352318.1

Certificat of Mailing - 37 CFR 1.8 (a)	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231. on the date below.	
12/14/99	
Date	Wendy L. Harrold



PATENT  
21829/31 (EBC - 002)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#4

Applicants : Wei et al.

Examiner:  
Unknown

Serial No : 09/412,100

Filed : October 4, 1999

Art Unit:  
1646

For : HYPERSENSITIVE RESPONSE  
ELICITOR FRAGMENTS WHICH ARE  
ACTIVE BUT DO NOT ELICIT A  
HYPERSENSITIVE RESPONSE

REQUEST FOR CORRECTED FILING RECEIPT

Assistant Commissioner for Patents  
Washington, D.C. 20231  
**Box: Missing Parts**

Dear Sir:

Applicants hereby request a corrected filing receipt for the above-identified application. On the enclosed copy of the official filing receipt, the entity status is omitted. It should read "SMALL ENTITY", per the small entity declaration being filed with the enclosed Response to Notice to File Missing Parts.

In addition the name of the third applicant reads "JENNIFER L. NIGGEMEYER" but should read "JENNIFER L. NIGGEMEYER".

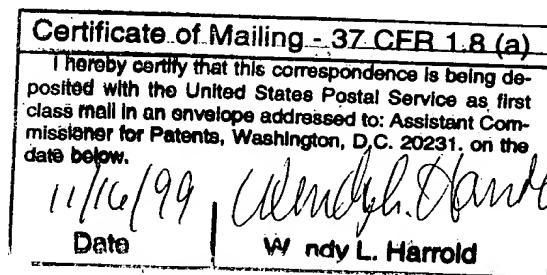
Since Applicants are responsible for one of these errors, the Commissioner is hereby authorized to charge any necessary fees to our Deposit Account No. 14-1138. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Dated: November 15, 1999

Edwin V. Merkel  
Registration No. 40,087

Nixon Peabody LLP  
Clinton Square, P.O. Box 1051  
Rochester, New York 14603  
Telephone: (716) 263-1128  
Facsimile: (716) 263-1600



FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/412,100	10/04/99	1646	\$779.00	21829/(EBC-0	2	47	7

MICHAEL L GOLDMAN  
NIXON PEABODY LLP  
CLINTON SQUARE  
P O BOX 1051  
ROCHESTER NY 14603

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) ZHONG-MIN WEI, KIRKLAND, WA; HAO FAN, BOTHELL, WA;  
JENNIFER L. NIGGEMEYER, BOTHELL, WA.

CONTINUING DATA AS CLAIMED BY APPLICANT-  
PROVISIONAL APPLICATION NO. 60/103,050 10/05/98

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 10/27/99  
TITLE

HYPERSENSITIVE RESPONSE ELICITOR FRAGMENTS WHICH ARE ACTIVE BUT DO  
NOT ELICIT A HYPERSENSITIVE RESPONSE

PRELIMINARY CLASS: 514

ENTERED  
Nixon Peabody LLP  
NOV 11 1999  
FILE 21829/31  
DKT 21829/31

DATA ENTRY BY: RIVERS, ANNETTE

TEAM: 01 DATE: 10/27/99

|||||

(See reverse for new important information)